

C I T Y P L A N N I N G C O M M I S S I O N M I N U T E S

O C T O B E R 2 0 , 2 0 0 5

The regular meeting of the City Planning Commission and public hearing convened at 1:35pm in the City Council Chambers, 333 W. Ocean Boulevard.

PRESENT: COMMISSIONERS: Morton Stuhlbarg, Charles Winn,
Nick Sramek, Leslie Gentile
Charles Greenberg

ABSENT: EXCUSED: Matthew Jenkins, Mitchell Rouse

ACTING CHAIRMAN: Leslie Gentile

STAFF MEMBERS PRESENT: Suzanne Frick, Director
Greg Carpenter, Planning Manager
Carolyn Bihn, Zoning Officer
Angela Reynolds, Advance Planning
Derek Burnham, Planner
Lemuel Hawkins, Planner
Jeff Winklepleck, Planner
Jill Griffiths, Planner

OTHERS PRESENT: Mike Mais, Deputy City Attorney
Jan Ostashay, Historic Preservation
Officer
Amy Bodek, Manager, Project Development
Bureau
Kathy Brown, Minutes Clerk

P L E D G E O F A L L E G I A N C E

The pledge of allegiance was led by Commissioner Winn.

S W E A R I N G O F W I T N E S S E S

M I N U T E S

The minutes of September 1, 2005 were approved on a motion by Commissioner Winn, seconded by Commissioner Sramek and passed 4-0-1 with Commissioner Greenberg abstaining. Commissioners Jenkins and Rouse were absent.

C O N S E N T C A L E N D A R

Commissioner Winn moved to approve the Consent Calendar as presented by staff with the change to Item 1C. Commissioner Stuhlbarg seconded the motion, which passed 5-0. Commissioners Jenkins and Rouse were absent.

1A. Case No. 0508-06, Tentative Tract Map for Condominium Conversion

Applicant: Adrienne Bridges, ALS Consulting
Subject Site: 612-622 Nebraska (Council District 2)
Description: Request for approval of Tentative Tract Map No. 063557 to convert twenty (20) residential dwelling units of two adjacent existing apartment buildings into condominiums.

Approved Tentative Tract Map No. 063557, subject to conditions.

1B. Case No. 0508-19, CE 05-149, Conditional Use Permit

Applicant: Pat Brown (representing Cherry Market)
Subject Site: 1429 Cherry Avenue (Council District 4)
Description: Request for a Conditional Use Permit to operate a check cashing and money transfer facility in an existing commercial market.

Approved Conditional Use Permit, subject to conditions.

1C. Case No. 0508-22, CE 05-150, Tentative Tract Map for Condominium

Applicant: Amit Weinberg
Subject Site: 1474 & 1476 Gaviota Ave (Council District 6)
Description: Approval of Tentative Tract Map No. 063615 for condominium purposes.

Approved Tentative tract Map No. 063615 subject to revised conditions.

1D. Case No. 0407-05, CE 04-146, Conditional Use Permit, Standards Variance

Applicant: Larry Ditchkus
Subject Site: 1000 East Artesia Blvd. (Council Dist. 9)

Description: Request for approval of a Conditional Use Permit to establish a church, with a standards variance request for the number of parking spaces.

Continued to the November 3, 2005 meeting.

C O N T I N U E D I T E M S

2. Case No. 0506-10, Certificate of Appropriateness

Applicant: David Hayden
Subject Site: 349 Carroll Park East (Council District 2)
Description: Hearing to consider an appeal of the Cultural Heritage Commission's decision to conditionally approve a Certificate of Appropriateness for exterior alterations to 349 Carroll Park east, a home within the Carroll Park Historic District.

Jan Ostashay presented the staff report recommending upholding the decision of the Cultural Heritage Commission since the use of simulated wood shake siding was found an inappropriate material. Ms. Ostashay then explained criteria for use of sustainable building materials in Historic Districts.

Commissioner Winn commented that he had visited the building, and the rubber-based replacement roof looked exactly like the original. Mr. Winn added that he felt there were positive advantages to using rubber shingles over wood shake.

Doug Otto, applicant representative, One World Trade Center, remarked that the substitute material is identical in appearance to the cedar shake but more durable. Mr. Otto professed that the Secretary of the Interior guidelines allow for alternate materials that convey the visual appearance of the original, and added that there was overwhelming support within the historical district for the applicant's detailed restoration project.

In response to a query from Commissioner Greenberg as to why the applicant was not using cedar shake, Mr. Otto replied that unlike the original, the substitute material was fireproof, termite-proof, insurable and had a 50-year warranty.

David Waller, 3929 Myrtle Avenue, representing Long Beach Heritage, spoke in favor of their decision, citing the need to maintain the integrity of the historical district, especially given the ready availability of the wood shake.

Commissioner Greenberg declared that he felt such a rigid approach to historical conservation and preservation was impractical in the face of safety issues.

Carol McCafferty, 1060 Maine Avenue, testified that she supported the appeal because there was inconsistent enforcement of the historic codes and that the City Prosecutor had recently said he would not prosecute such violations.

Laura Snyder, 310 Carroll Park West, spoke in favor of upholding the Cultural Heritage Decision, explaining that compliance and preservation were vital or the ordinances and their effectiveness would be eroded. Ms. Snyder added that she thought the rubber shingles might actually cause toxic fumes if burned.

Mr. Otto added the concern that if the City doesn't allow some degree of flexibility in the historic districts, people would find the rules too rigid and not invest in the community.

Commissioner Stuhlbarg expressed support for the use of recycled materials, and added that the shake was certainly not fireproof, while the rubber shake was rated highly fire retardant.

Commissioner Stuhlbarg then moved to overturn the decision of the Cultural Heritage Commission and to approve a Certificate of Appropriateness for the replacement of a structural wood beam, the replacement of an upper window, and the replacement of the cedar shake siding with the EcoStar Seneca Cedar Shake.
Commissioner Winn seconded the motion.

Mr. Winn said he would like to see the City be proactive on promoting the use of recyclable building materials where appropriate.

Commissioner Sramek said he would not support the motion, and felt that the intent of the preservation code was to replace with identical materials when available, using recyclables only as a last resort.

Commissioner Greenberg expressed hopes that the decision would not be precedent-setting, stating that the preferable way of handling renovation was to replace materials as originally as possible, but in this case, he felt it was not right to rigidly adhere to such requirements when the original material could present a danger to the occupants.

Acting Chairman Gentile agreed with Commissioner Sramek, and said she would not support the motion.

Ms. Ostashay read into the record two findings based on secretary of the interior Standards numbers to be added to the motion to accommodate the change in the original recommendation.

The question was called, and the motion carried 3-2, with Commissioners Gentile and Sramek dissenting. Commissioners Jenkins and Rouse were absent.

3. Case No. 0505-01, CE 05-120, Tentative Tract Map for Condominium Conversion

Applicant: Joann Wahl
Subject Site: 525 Ximeno Avenue (Council District 3)
Description: Request for approval of Tentative Tract Map No. 063304 to convert five residential dwelling units to condominiums.

Derek Burnham presented the staff report recommending denial of the Tentative Tract Map since the proposed conversion was inconsistent with the Subdivision Ordinance and the General Plan Land Use Element and because compliance with the minimum subdivision requirements would require approval of several Standards Variance requests.

Doug Otto, One World Trade Center, applicant representative, stated that the applicant was willing to deed restrict the one-bedroom unit over the garage to satisfy staff's concerns, and declared that the site was actually over-parked due to five existing and three potential spaces on the apron. He added that the applicant is creating affordable housing in affluent neighborhood, which should be encouraged.

Joann Wahl, 525 Ximeno Avenue, applicant, claimed that she would suffer large financial losses if the unit was downsized to one bedroom.

Ms. Bihn said that staff would support tandem spaces in a larger garage so that each unit would have two spaces for a total of 10 spaces, and Mr. Otto asked that the one-bedroom unit then be made into a two bedroom unit, which Commissioner Greenberg said was acceptable.

Malcolm Johnston, 4316 E. 6th Street, area resident, stated that the area was parking impacted, and said he felt the lot size was

too small for five units and that tandem parking was inconvenient.

Commissioner Sramek moved to continue the item to the November 17, 2005 meeting. Commissioner Winn seconded the motion, which passed 5-0. Commissioners Jenkins and Rouse were absent.

R E G U L A R A G E N D A

4. Case No. 0411-17; Modification to Case No. 9801-23; Supplemental EIR No. 14-04, Site Plan Review

Applicant: Lodge Works LP c/o Chris Gebert
Subject Site: 285 Bay Street (Council District 2)
Description: Request for approval of Site Plan Review to
 construct an 82' high, seven-story, 91,304 sq.ft. hotel
 consisting of 140 suites, lobby, breakfast area, meeting
 and conference facilities and an exercise room.

Lemuel Hawkins presented the staff report recommending certification of the EIR and approval of the Site Plan Review since the project is attractively designed and complies with the development standards of PD-6 while adding a quality boutique style hotel to the downtown shoreline area and the Pike at Rainbow Harbor Development with no significant negative environmental impacts identified.

Chris Gebert, 8100 E. 22nd St. North, Building 500, Wichita, KN 67226, Sr. Vice President, Lodge Works LP, gave a slide presentation outlining the background of the developer and the scope of the Sierra Suites Hotel project.

Woody Goodvin, Jeff Krehbiel Associates, 1300 E. Lewis St., Wichita, KN 67211, project architect, presented slides showing the specific project details.

Don May, California Earth Corps, 4927 Minturn, Lakewood, said that the California Earth Corps had a pending lawsuit against the City regarding its previous commitment to build an Imax Theatre on the site.

Patrick Perry, 515 S. Figueroa St. 7th Floor, Los Angeles, 90071, applicant representative, stated that the Court of Appeals had invalidated the exchange agreement, putting the property back into the Tidelands Trust, at which point the State Lands Commission had declared that the hotel was a permissible use.

Commissioner Winn moved to adopt the Resolution certifying the Final Supplemental EIR No. 14-04, State Clearinghouse No. 2004111127, and to approve the Site Plan Review request, subject to a revised condition related to when a mock-up of exterior-materials when constructed.

Commissioner Greenberg seconded the motion, noting that a hotel use had always been planned for the project.

The question was called, and the motion passed 5-0. Commissioners Jenkins and Rouse were absent.

The following item was taken out of order:

6. Case No. 0509-39, Negative Declaration 20-05, Local Coastal Development Permit

Applicant: Long Beach Water Department
Subject Site: 2260 East Ocean Blvd.
(Council Districts 2 and 3)
Description: Request for approval of a Local Coastal Development Permit for an under-ocean floor seawater intake and discharge demonstration project to determine the feasibility of utilizing a system of subsurface intake and discharge wells for seawater desalination.

Jill Griffiths presented the staff report recommending certification of the mitigated Negative Declaration and approval of the Local Coastal Development Permit, since the proposed demonstration project would assist in determining the feasibility of a pioneering alternative method for desalinating seawater.

Kevin Wattier, General Manager, Long Beach Water Department, explained the location of the intake structure components for Commissioner Sramek.

Ann Cantrell, 3106 Claremore, asked that the actual intake process be described since she was concerned about destruction of invertebrates and fish eggs. Mr. Wattier explained that the process would have no impact on fish and larvae.

Commissioner Winn moved to certify the Negative Declaration and to approve the Local Coastal Development Permit, subject to conditions of approval. Commissioner Sramek seconded the motion, which passed 5-0. Commissioners Jenkins and Rouse were absent.

Commissioner Stuhlbarg left the meeting at this time.

5. Case No. 0507-01, EIR 08-04, Certification of EIR, General Plan Amendment, Zone Change, Site Plan Review (Master Plan), Conditional Use Permit, Standards Variance and Lot Adjustment

Applicant: City of Long Beach Project Development Bureau
Subject Site: 2801 Orange Avenue (Council District 7)
Description: Certification of recirculated Environmental Impact Report; Resolution with a Statement of Overriding Considerations; General Plan Amendment from General Industry (LUD #9G) to Open Space and Park District (LUD #11) and Traditional Retail Strip Commercial District (LUD #8A) for city-owned parcels only; Zone Change from Institutional (I) and Medium Industrial (IM) to Park (P) and Community Commercial Automobile Oriented District (CCA) for city-owned parcels only; Site Plan Review (Master Plan); Conditional Use Permit for a restaurant with on-site sale and consumption of alcohol; Standards Variance for parking (746 spaces instead of not less than 899 spaces); and a Lot Line Adjustment for a 55+/- acre Sports Park.

Jeff Winklepleck presented the staff report recommending approval of the staff recommendations since the plan as conditioned was consistent with the intent of the Land Use Element of the General Plan; was attractively designed; would promote and assist with the remediation of contaminated sites; assist with managing oil, water and natural gas extracting sites, and assist with maintaining open space buffers, recreation and open space.

Amy Bodek outlined the general scope of the project and how it would result in the viable redevelopment of a currently blighted and underused site.

Larry Ryan, principal RJN Design Group, presented slides showing the layout of the proposed Sports Park.

Mona DeLeon, LSA Associates, EIR consultant, discussed the project environmental concerns, noting that in spite of the fact that the wetlands on the site were manmade--created by poor maintenance of a country flood control basin--mitigation would still be provided off-site on the San Gabriel River.

Additionally a foraging habitat for the Loggerhead Shrike would be provided.

Dr. Susan L. Mearns, Mearns Consulting Corporation, health consultant, discussed the health risk assessment provoked by soils testing and groundwater samples.

David Sundstrom, 6900 Los Verdes Drive, Rancho Palos Verdes, 90275, gave a presentation on behalf of 18 other speakers, all in opposition to the project based on the potential loss of natural springs topography and erasure of a historic watershed feature that they felt ran counter to City's policy and the goals of the Strategic Plan to restore wetlands.

Mr. Sundstrom then outlined a detailed compromise plan at an alternate location they felt would be more feasible, and asked that approval of the project be deferred until this idea could be examined fully. He added that they would rather see the City build sports fields on the existing flat 13 acres at Willow Springs, which would preserve the site's topography and perform restoration of the springs, while providing urban kids with access to nature and eliminating most of significant adverse impacts identified in the EIR.

Commissioner Sramek said he appreciated the group's work and that the proposal brought up interesting alternatives. Mr. Sramek added that he wanted the City's children to have sports parks as well as the exposure to natural wetlands.

Commissioner Winn also expressed appreciation of the alternative project, while noting that the Commission was only addressing the EIR at this time.

Michelle Landis, 4030 N. Hempstead Circle, San Diego, representative of Cal Poly Pomona, discussed the historical aspects of the site in question, expressing concern that among other environment impacts, the Loggerhead Shrike's habitat would be compromised by the park.

Charles Moore, 345 Bay Shore, adjacent property owner, spoke against the project, expressing concern that the existing wetlands would be destroyed by the Sports Park.

Dennis Eschen, Parks Recreation and Marine Department, City of Long Beach, stated that this was the third site proposed for the Sports Park.

Raymond Chavarria, 1349 E. 8th Street, spoke in favor of the Sports Park since it would give City children the opportunity to participate in recreational sports without driving to other cities. Mr. Chavarria also presented a petition with 1266 signatures of support.

Tricia Sandoval, 6000 Marita Street, president, Los Altos Bobby Sox, spoke in favor of the project citing the critical need for expanded sports facilities for area residents, stating she felt the need for more playing fields was greater than the need to preserve hard-to-access wetlands.

Johnnie Stinson, 5872 E. Barbanel Street, president, Westside Long Beach Youth Foundation, stated that they were in favor of the project because his large kids sports league desperately needed the space for their games.

Jesse Marquez, 140 W. Lomita Blvd., Wilmington, Executive Director, Coalition for a Safe Environment, stated they were against the plan as proposed because of the wetlands destruction, but were in favor of the alternative plan as proposed by Mr. Sundstrom.

Alex Cherin, 3755 California Avenue, said that many residents in the adjacent area were in support of the project which would give immeasurable benefits to the children of Long Beach.

Steve Hoy, 6324 E. Colorado Street, president, Los Altos Little League, testified that Long Beach needed the facility to deal with the area's overcrowded sports facilities.

Bry Myown, 776 Raymond Avenue, stated she did not feel the EIR had accurately portrayed the topography of the site and potential view impacts that would be created by the Sports Park. Ms. Myown also said she believed the site was an important one archeologically and should not be compromised.

Don May, 4927 Minturn, Lakewood, California Earth Corps, spoke about the animal species found on the site, expressing concern that many could be endangered by the project.

Barry Fowks, president, Long Beach Girls' Fastpitch, stated that once the facility opened, it would free up space at 12 parks throughout the City.

Mary Parsell, 1821 Petaluma Avenue, representing the El Dorado chapter of the Audubon Society, testified that the Loggerhead

Shrike bird would not survive as a species if this facility was built, and asked that some sort of compromise be reached to address this impact.

David Cundiff, 2111 Bermuda Avenue, questioned the acreage designation of the wetlands, suggesting that the item be continued until the numbers were more accurate.

Alfonso Velasquez, 1106 Myrtle Avenue, spoke in favor of the project because athletic fields were in short supply in the City.

Joe Weinstein, 4000 Linden Avenue, spoke against the project, stating that he felt there was a greater need to make fields available locally at schools rather than to remove one of the last hills in Long Beach to create a central facility.

Commissioner Greenberg pointed out that the area was already zoned and designated for heavy industrial applications. Mr. Weinstein suggested the area be kept as open space.

Ann Cantrell, 3106 Claremore Avenue, stated she did not feel that mitigation measures were adequate, and suggested replacing school parking lots with play fields for children.

Chris Kozhites, Chairman, Parks and Recreation Commission, stated the project was necessary to get adults out of the kids sports parks, which he had been working to do for eight years.

Art Homrighausen, LSA Associates, principal biologist, stated he had supervised the multiple surveys that occurred on the site over several different seasons, noting that they had acknowledged the existence of the Loggerhead Shrike and its probable exit if the project was built, although recent surveys have not seen them around. Mr. Homrighausen added that others had complained about the wetlands delineation, which in the EIR was very clearly defined under the Army Corps of Engineers guidelines, through a specific and thorough analysis in an unusually wet year.

Commissioner Sramek echoed the great need for a sports park in the area while expressing the hope that perhaps some remnants of wetlands could be incorporated for kids to experience.

Commissioner Sramek then moved to continue the item for 60 days to allow examination of this idea.

Commissioner Winn stated he wanted to see the project go ahead, and that he wouldn't support the motion.

Commissioner Greenberg observed that this project had been on the table in one form or another for 20 years, with no one ever agreeing on what to do. Mr. Greenberg said he feared there would never be a total consensus, even if an alternative proposal was examined, which would trigger more years of analysis.

Commissioner Greenberg said he would support some additional study and seconded the motion to continue.

Mr. Mais noted that the City Council could not act unless and until the EIR was certified even if some of the recommendations were approved. He added that any bifurcation of the project could be inconsistent with CEQA and would require significant time to rewrite and recirculate public documents.

Commissioner Sramek then withdrew his motion, with agreement from Commissioner Greenberg.

Commissioner Sramek moved to certify EIR 08-04 (State Clearinghouse No. 1999091108) and to adopt a resolution with a Statement of Overriding Considerations and a Mitigation Monitoring Plan; to recommend that the City Council approve the General Plan Amendment from General Industry (LUD #9G) to open Space and Park District (LUD #11) and Traditional Retail Strip commercial District (LUD #8A); to recommend that the City Council approve the Zone Change from Institutional (I) and Medium Industrial (MI) to Park (P) and Community Commercial Automobile Oriented District (CCA); to approve the Site Plan Review for the Sports Park Master Plan, subject to conditions; to approve the Conditional Use Permit for on site consumption of alcohol, subject to conditions; to approve the Standards Variance for parking (746 spaces instead of not less than 899 spaces) subject to conditions; and to approve the Lot Line Adjustment, subject to conditions, while requiring that the City pull the different parties together to work out a compromise to add elements to the project as discussed before it goes to the City Council. In addition, the motion includes as a condition of the Master Plan approval a direction from the Planning Commission to City staff to meet with all interested parties both for and against the project to see if within a reasonable period of time, a compromise can be worked out prior to the matter being brought to the City Council for its consideration.

Commissioner Greenberg seconded the motion, which passed 4-0.
Commissioner Stuhlbarg had left the meeting, and Commissioners
Jenkins and Rouse were absent.

M A T T E R S F R O M T H E A U D I E N C E

There were no matters from the audience.

**M A T T E R S F R O M T H E D E P A R T M E N T O F
P L A N N I N G A N D B U I L D I N G**

There were no matters from the Department of Planning and Building.

**M A T T E R S F R O M T H E P L A N N I N G
C O M M I S S I O N**

There were no matters from the Planning Commission.

A D J O U R N

The meeting adjourned at 6:55pm.

Respectfully submitted,

Marcia Gold
Minutes Clerk

(with notes and initial draft from Kathy Brown)